

## REMARKS/ARGUMENTS

Entry of this amendment and Favorable reconsideration of the present application is respectfully requested.

The Examiner has rejected Claims 1-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,399,016 to Burrow ("the Burrow patent"). Claim 1 has been amended to include the recitations of Claims 2 and 3, both of which have been canceled, to overcome the rejection. No new matter has been added by this Amendment, and the amendments either place the claims in condition for allowance or at least in better form for Appeal.

Specifically, Claim 1 has been amended to recited, *inter alia*:

(j) the vessel includes a side wall and the solids feed means includes a plurality of solids injection lances that are arranged to extend downwardly and inwardly through openings in the side wall and are removable from the vessel;

(k) at least three platforms for supporting plant operators at different heights of the vessel; and  
wherein:

(i) the metal tapping means and the slag tapping means are located so as to be accessible by plant operators on a cast house platform;

(ii) the end metal tapping means and the end slag tapping means are located to be accessible by plant operators on an end tap platform that is at a lower height than the cast house platform; and

(iii) the solids injection lances being located so as to be accessible by workmen on a lance platform that is above the cast house platform.

Although the Burrow patent mentions providing appropriate access to operating areas, there is no specific teaching of vertically separating the operations about the vessel as recited in Claim 1. Indeed, Figure 8 of Burrow is the only drawing that provides an indication of the vertical separation of operations about the vessel. However, Figure 8, and its accompanying description, does not teach nor suggest the use of the three vertically separated cast house, end tap, and lance platforms for

separating operations as recited in Claim 1, and, thereby, improving access for workers to these operations.

The advantages of separating operations are described in a passage on page 22, lines 14-23 of the specification. Specifically, the platforms enable plant equipment to be arranged on the platforms within a series of circumferentially and vertically extending zones. Such arrangement enables installation and operation of the equipment around a relatively compact smelting vessel in a way that separates the various operational functions of the equipment so as to minimize interference between various operations and to maximize operational safety.

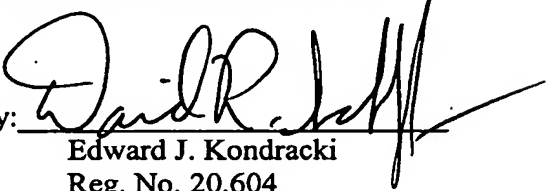
An example of the safety advantages of the platforms is described on page 21 of the specification in terms of the separation of the metal and slag trapping operations from the end metal and end slag tapping operations by a cast house platform. The cast house platform may be formed so that the platform extends above the end metal and end slag tapping operations so as to provide workmen in those areas with overhead protection. This is an important consideration that is not taught or suggested by the Burrow patent. The same consideration applies to overhead protection provided by a lance platform for plant operators attending to metal and slag tapping operations on the cast house platforms.

Therefore, because the Burrow patent does not teach or suggest the cast house platform, the tap platform, and the lance platform being located at different heights of the vessel, as recited in Claim 1, the Examiner has failed to satisfy the required initial burden to establish a prima facie case of obviousness of Claim 1, and Claims 4-29 that depend therefrom. Accordingly, the §103 rejection of Claims 1 and 4-29 is untenable and the Examiner is respectfully requested to withdraw the §103 rejection and issue a Notice of Allowance for all of the currently pending claims.

In view of the foregoing, Applicants believe that all claims as currently presented are allowable over the cited prior art, and are, in all other respects, in condition for allowance. Reconsideration and withdrawal of all rejections, and passage of the application to issue at an early date, are earnestly solicited. The Examiner is encouraged to call the undersigned should any further issues remain to be resolved in the application.

Respectfully submitted,

MILES & STOCKBRIDGE P.C.

By: 

Edward J. Kondracki

Reg. No. 20,604

David R. Schaffer

Reg. No. 43,089

1751 Pinnacle Drive, Suite 500  
McLean, Virginia 22102-3833  
Telephone: (703) 610-8649  
#9293636v1